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REMARKS

Applicant respectfully requests reconsideration of the application identified above. Claims 6-10 are pending; claims 6 and 10 are amended; and claim 11 is cancelled. Applicant respectfully traverses the rejections as conceivably applied to the pending claims.

I. Art Rejections Based on U.S. Patent 5,769,643 to Stevens

As previously presented, independent claims 6 and 10 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 5,769,643 to Stevens. Alternatively, claims 6 and 10, as previously presented, were rejected under 35 U.S.C. §103(a) as being unpatentable over Stevens in view of Official Notice.

Stevens is directed to a system for transmitting audio and visual instruction data 34 using low-cost, short range cordless telephone transceivers. Specifically, the Stevens cordless telephone transceivers 26, 30 are used in a classroom setting to transfer the instruction data between a teacher's computer 14 and a student's device 12. Instruction data 34 includes tests, lectures, and homework assignments. The student's device 12 receives, displays, and/or makes the instruction data 34 audible. Further, the student's device 12 may be configured to transmit encrypted homework or test answers back to the teacher's computer 14 for storage. *See* Abstract; Col. 2 Ln. 66 – Col. 3, Ln. 19.

Applicant respectfully submits that Stevens does not anticipate or render obvious the subject matter of the amended independent claims 6 and 10 because it fails to disclose, teach or suggest: (1) receiving anything—let alone caption leaning data having both audio data and caption data—through a wireless communication network; (2) a DSP/CPU with a reception

mode which processes digital audio data and display caption data and stores the same in memory; (3) a DSP/CPU with a language learning mode in which the DSP/CPU (i) reads the caption language learning data from the memory, (ii) controls the CODEC to convert and output the digital audio data, and (iii) controls the display to display the display caption data corresponding with the digital audio data; or (4) a protocol controller which processes the data using a communication protocol of the wireless communication network.

A. Receiving through a wireless communication network

First, Stevens fails to disclose or even suggest receiving anything through a wireless communication network. Instead, the Stevens instruction communication system 10 transmits data through short range cordless telephone transceivers 26, 30. The Stevens transceivers have a transmission range of less than five thousand feet. Col. 2, Lns. 2-3. Further, the term 'cordless' is specifically defined in Stevens to exclude 'cellular' telephones. Col. 1 Lns. 65-67. In contrast, wireless communication networks communicate over long ranges by employing a network of wireless terminals distributed over a wide area. If anything, Stevens specifically teaches away from using wireless communication networks such as cellular communication networks which provide *long range* transmissions.

B. Memory

Second, Stevens fails to disclose, teach or suggest: (a) a memory for storing the caption language learning data having audio data and caption data" (claim 6); or (b) the step of processing with the DSP/CPU the received signals and storing the caption learning data into a memory if the operation mode is the reception mode (claim 10). Indeed, Stevens simply

mentions that in one embodiment “device 12 includes ... memory 20” and in another embodiment “a pen computer ... device 12 includes ... memory 58.” Col. 3, Lns. 25-26; Col. 3, Lns. 36-37. In no way does Stevens even suggest that any of this memory is designed to store the caption learning data having audio data and caption data, let alone that the DSP/CPU processes such data and stores it in the memory in certain, specific modes—or even appreciate that the CPU can operate in different modes.

C. DSP/CPU

Third, Stevens fails to disclose, teach or suggest a DSP/CPU with a language learning mode which: (i) reads the caption language learning data from the memory; (ii) controls the CODEC to convert and output the digital audio data; and (iii) controls the display to display the display caption data corresponding with the digital audio data.

There is no indication that the Stevens system 10 stores the instruction data 34 in memory 20 on the student’s device 12. The primary functions of the Stevens device 12 do not include storing, but rather receiving, displaying, and/or making audible the instruction data 34. Col. 3, Lns. 8-9. More likely, the Stevens device 12 is used to store the student’s test answers until the student completes the test being broadcast by the teacher. Col. 3, Lns. 12-14. Regardless, the instruction data 34 of Stevens is broadcast by the teacher’s computer 14 to a plurality of devices 12 during a teaching session, which is further evidence the transmissions are made in real time and not stored on the student’s device. Accordingly, it is believed that Stevens cannot teach using a CPU to read caption language learning data from memory when none is stored.

In addition, where transmissions are in real time, there is no reason to have both a reception mode *to store* language learning data and a separate language learning mode, where the caption language learning data is presented to a user. Accordingly, there simply is no component of Stevens that acts in both a reception mode *and* a language learning mode—let alone a DSP/CPU that controls both a CODEC to convert and output digital audio data, as well as a display to display the display caption data.

Even hypothetically assuming that the Stevens system outputs digital audio data and display caption data as claimed, there is no indication that the processor in Stevens controls the display to display the display caption data *corresponding with the digital audio data*. The device 12 in Stevens merely displays or makes audible the instruction data 34 sent to it, without processing. The mere coincidence that instructions are made audible while a test is being displayed on the student's device 12 does not amount to the CPU controlling the display to display caption data *corresponding* to the digital audio data. The CPU in Stevens merely receives, displays, and makes audible the instructions it receives with no regard to *when* one portion of instruction data 34 should be output over another.

D. Protocol Controller

Finally, Stevens fails to disclose, teach or suggest: (a) a protocol controller for receiving the data demodulated by the modem and generating digital audio data and display caption data (claim 6); or (b) controlling with a protocol controller the demodulated wireless data signals using a suitable communication protocol of the wireless communication network (claim 10). There is no need in Stevens for a protocol controller because the device 12 and computer 14

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communicate using cordless wireless transceivers. Specifically, "the cordless telephone transceiver portion is the type commonly found in homes and offices as a replacement for telephones having headsets connected to base units by flexible, yet limited length, telephone cords. The cordless telephone transceiver portion can communicate with another such portion in another computer in the same way that a cordless telephone communicates with its base unit." Col. 2, Lns. 58-65. One of the advantages of Stevens is that it makes use of cordless telephone transceiver technology which is simpler than other technologies such as cellular telephones, which may require the use of additional components such as a protocol controller. Accordingly, Stevens fails to disclose a protocol controller as claimed and including one would frustrate low-cost and simplicity of the Stevens system.

Claims 7-9 depend from amended independent claim 6 and are therefore patentable for at least the reasons set forth above in connection with those claims.

It is respectfully submitted that all the pending claims are patentable; and that the rejections under 35 U.S.C. §103(e) or alternatively 35 U.S.C. §103(a) are improper and/or unfounded and should be withdrawn.

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CONCLUSION

In view of the above amendments and these Remarks, Applicant respectfully submits that the present application is in condition for allowance. A notice to that effect is earnestly and respectfully requested.

Respectfully submitted,

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